

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CUMIS Insurance Society, Inc.

vs.

5:05-cv-317(FJS/GJD)

Gregory Chapman; Cheryl Bush

ORDER DISMISSING CASE

On November 29, 2006 a notice was sent to all parties in this action advising that a dismissal calendar call would be held on December 18, 2006, allowing any opposition to the dismissal to be filed by December 13, 2006. On December 5, 2006 opposition to the dismissal was filed advising the Court that counsel had not prosecuted the matter because he was awaiting a final disposition in a related criminal matter, 5:05-cr-465. That, if restitution was ordered in that case, there would be no need to pursue this matter and a stipulation of dismissal would be filed accordingly. The Court then stayed this matter pending a final disposition in the related criminal case.

On December 20, 2006 the Court imposed sentence in case 5:05-cr-465, which included an order of restitution.

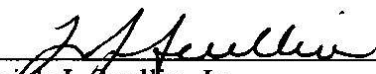
Therefore, as it appears there is no further reason for this case to remain on the Court's pending docket it is hereby

ORDERED that this case is dismissed for failure to prosecute. This order does not preclude counsel filing a stipulation of discontinuance and further it is

ORDERED that the Clerk of the Court shall close this case.

IT IS SO ORDERED.

December 29, 2006



Frederick J. Scullin, Jr.
Senior United States District Court Judge